IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 13536 of 1994

Between:

1 K. Ramanna S/o. K. Venkataiah
S.T. Ashrama Pathasala, Peddamantanala, Dornakal (M), Prakasam District.
2 Smt. K. Chennamma W/o. Ramulu
A.P.R. School for S.T. Boys, Srisailam Dam East, Kurnool Dist.
3 Smt K. Mantamma W/o. K. Ramanna
S.T. Ashrama Pathasala, Peddamantanala, Dornakal (M), Prakasam District.
4 B. Pothu Raju S/o. B. Pothanna
S.T. Ashrama Pathasala, Peddamantanala, Dornakal (M), Prakasam District.
5 R. Chinna Babu S/o. R. Subbaraju
A.P.R. School for S.T. Boys, Srisailam Dam East, Kurnool Dist.
6 K. Venkatamma D/o. K. Venkataiah
A.P.R. School for S.T. Boys, Srisailam Dam, East Kurnool Dist.
7 K. Chinna Venkateswarlu S/o Venkataiah
A.P.R. School for S.T. Aashrama Patasala, Tummala Bailu, Dornakal (M),

Prakasham District.

(All are by Occ: Daily Wage Workers)

...PETITIONERS

AND

1 The Commissioner, Tribal Welfare Department, Masab Tank, Hyderabad.
2 The Govt.of A.P. rep.by Secretary, Tribal Welfare Dept. Secretariat,Hyd.

3 The Project Officer, Integrated Tribal Development Authority Sunnipenta,

Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Direction more in the nature of Writ of Mandamus directing the 2nd respondent to consider the continuation of the services of the petitioners in their posts of Ayas and Gardeners with all consequential pay and allowances thereon and pass such other order or orders in the interests of justice.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondent No.1 to 3: GP FOR SOCIAL WELFARE

The Court made the following:

O R D E R

This writ petition has been filed seeking writ of Mandamus directing the 2nd respondent to consider the continuation of services of the petitioners in their posts of 'Ayas' and Gardeners with all consequential pay and allowances.

The petitioners states that they have been working on daily wages basis since 1989 in various S.T. Ashrama Patasalas established by the Integrated Tribal Development Authority and that despite the fact that the principals of the residential schools, have written letters to 2nd respondent for continuing the petitioners in their jobs, their services were terminated because of the ordinance issued by the Government of Andhra Pradesh.

A counter affidavit has been filed by the respondents stating that the services of the petitioners were terminated on the expiry of every 89 days subject to the necessity. It is further stated in the counter that they were actually working in the agency from 1-11-1991 onwards, however, their services were terminated from 1-12-1994. It is further stated in the counter that the Integrated Tribal Development Agency is registered under registration societies Act of 1869, and that the Ordinance NO.8/93 which became as Act 2/94 is applicable to the petitioners. The government also issued G.O.Ms.No.212 dated

22.4.1994, evolving a policy to regularize the services of the daily wage employees subject to certain conditions as per Act 2/94 and that the daily wage employees were not allowed to continue in service as such the services of the petitioners were terminated with effect from 1-12-1994.

This Court in WPMP No.16549 of 1994, after considering the rival contentions of the parties, inter alia, observing that the respondents to pay wages to the petitioners to which they are entitled for the period from 1-6-1993 to 1-12-1993. Learned Government Pleader however, contended that the petitioners were not appointed to the sanctioned posts and that their services were terminated on 1.12.1994. Considering the above circumstances, I am inclined to dispose of the writ petition itself directing the petitioners to challenge the termination proceedings by raising an industrial Dispute before the appropriate forum, as per law.

Subject to above observations, the writ petition is disposed of. No costs.

Sd/-

ASSISTANT REGISTRAR

08th July, 2004

Kk

To

1 The Commissioner, Tribal Welfare Department, Masab Tank, Hyderabad.
2 The Govt.of A.P. rep.by Secretary, Tribal Welfare Dept. Secretariat,Hyd.

3 The Project Officer, Integrated Tribal Development Authority Sunnipenta,

Kurnool District.

4 2 CCs to G.P for Social Welfare, High Court of A.P, Hyd.(OUT)

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